



U.S. Department of Justice

*United States Attorney
Southern District of New York*

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One Saint Andrew's Plaza
New York, New York 10007*

January 18, 2017

BY ECF

Honorable Paul G. Gardephe
United States District Judge
Southern District of New York
40 Foley Square
New York, NY 10007

**Re: United States v. Kaleil Isaza Tuzman et al.,
S8 15 Cr. 536 (PGG)**

Dear Judge Gardephe:

The Government respectfully submits this letter in response to the letters submitted by the defendants regarding the pretrial motion schedule in this case. For the reasons set forth below, the Government does not object to pretrial defense motions being due on March 31, 2017, provided that the defendants are required to file all of their pretrial motions on that date. The Government further requests that Irfan Amanat be included in the new schedule with the understanding that his counsel may request an adjournment of the schedule as it applies to Irfan Amanat within thirty days of receiving the discovery in this case.

Defendants Isaza Tuzman and Omar Amanat first appeared before your Honor on July 20, 2016. At the subsequent appearance on September 22, 2016, the Court set a trial date of October 2, 2017. On November 22, 2016, the Court set a motion schedule requiring defendants to file pretrial motions on January 31, 2017, the Government to file oppositions by February 21, 2017, and the defendants to file any replies by February 28, 2017. On December 22, 2016, a Grand Jury returned the above-captioned superseding indictment, which added Irfan Amanat as a defendant. The charges against Isaza Tuzman and Omar Amanat were unchanged. On January 10, 2017, all defendants appeared for arraignment and a pretrial conference. Jill S. Shellow, Esq. was appointed to represent Irfan Amanat.¹ At the conclusion of the conference, the Court requested that the parties submit letters concerning any requests for changes to the previously set motion schedule.

On January 16, 2017, counsel for Omar Amanat submitted a letter on behalf of defendants Isaza Tuzman and Omar Amanat requesting that the date for pretrial defense motions be adjourned by two months, from January 31, 2017 to March 31, 2017, with no change to the October 2, 2017 trial date. The letter further requested a later, unspecified deadline for motions "regarding any deficiencies in the government's production and other discovery-related issues (including

¹ In addition to Avi Weitzman, Esq., one of Isaza Tuzman's previously retained attorneys from Gibson Dunn & Crutcher LLP, newly retained attorneys from Sherpe Ryan LLC also appeared on behalf of Isaza Tuzman. Omar Amanat appeared with his attorney, Eric Creizman, Esq of Creizman PLLC.

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motions relating to Brady material).” In a separate letter, also dated January 16, 2017, counsel for Irfan Amanat indicated that she was currently unable to commit to a motion schedule and requested that she be allowed to write to the Court thirty days after receiving discovery.

The Government does not object to the requested two-month adjournment of the deadline, until March 31, 2017, for defendants to file their pretrial motions, provided that defendants file all pretrial motions on that date.² In support of their request to carve out discovery-related motions from the proposed schedule, defendants Isaza Tuzman and Omar Amanat note that they are still working to load the large volume of discovery to a review platform and that the Government has indicated it expects to produce additional discovery. The Government produced the majority of Rule 16 discovery in this case to Isaza Tuzman and Omar Amanat in July 2016, nine months before the proposed March 31, 2017 motion deadline. Both Gibson Dunn & Crutcher LLP (for Isaza Tuzman) and Creizman PLLC (for Omar Amanat) have been retained counsel on the case since at least that time. The supplemental Rule 16 productions made by the Government since July have consisted primarily of materials obtained voluntarily from cooperating defendants Stephen Maiden and Gavin Campion, as well as the contents of two email accounts controlled by Irfan Amanat.³ The additional discovery resulting from the addition of Irfan Amanat as a defendant is largely limited to those email accounts. Accordingly, a two-month adjournment in the motion schedule provides more than sufficient time to review the discovery and file pretrial motions, including motions regarding discovery or for *Brady* material.

² The parties agree that defendant Isaza Tuzman’s contemplated motion regarding alleged outrageous government conduct should proceed on a separate, earlier track.

³ In November 2016, the Government also agreed to obtain a copy of the documents the SEC has produced to Isaza Tuzman in *SEC v. Kaleil Isaza Tuzman*, 15 Civ. 7057 (S.D.N.Y.) (AJN) so that the Government could reproduce those documents to Omar Amanat, who had not been sued civilly by the SEC and who therefore has not received any civil discovery. The same materials are being provided to Irfan Amanat who, like Omar Amanat, has not been sued civilly.

By: /s/
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